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flying colors, and will continue the work it has done, which in the language of an American official is to hand-pick its immigrants.

BERNARD ROSE.

Montreal, Canada.

TRADE REPRESENTATIVES IN GOVERNMENT

SIR:

Mr. George Sabine's recent article on "What is the Matter with Representative Government?" develops his thesis thoroughly, but fails of remedial suggestion.

This same subject has provided me many an hour's thought and the best answer I have found is to legalize this lobby form of government by creating a body composed of men frankly representing the trades. In this way our representatives would actually get some idea of the desirability or effect of proposed legislation.

I believe also that such a body could go a long way toward industrial peace. At first it would be best if such a body had no voting power. When I speak of representatives of the trades, I mean all in each trade, employers and employees.

H. L. HEPBURN.

Bloomfield, New Jersey.

THE COURT AND THE PEOPLE

SIR:

In the September issue of *THE NORTH AMERICAN REVIEW*, in an editorial relating to the appointment of Ex-President Taft as Chief Justice of the Supreme Court, occur these words at the close: . . . "Yet we can recall no other Chief Justice who was so likely to apply the rules of reason and common sense to questions of legal interpretation, or to take into account the intent and the desires of the people."

THE NORTH AMERICAN REVIEW is a great magazine, and justly wields a wide influence, and it is unfortunate that it should by inference promulgate the doctrine that the Supreme Court, or its Chief Justice, could be influenced in the decision of a legal question by the "intent and the desires of the people." I am willing to admit that Justices of the Supreme Court may, and not infrequently do, in judicial decisions, take into account the intent of the law-making body; but it cannot be too often, nor too emphatically, declared, that in our system of government the "people" are not a law-making body.

When I write the word "people" I, of course, refer to the "people" of the United States.

In some states—Oklahoma for instance—the people have partial law-making power, by process of initiation, but the people of the United States have never asserted such power.

The first Article of our Constitution recites that "All legislative powers herein granted shall be vested in a Congress," etc. These legislative powers of the Congress have at various times been enlarged, but never resumed by the people. So, it can be distinctly and definitely declared that the people of the United States have no law-making power of which the Supreme Court can take judicial notice.

I take it to be a fair presumption, from all the evidence at hand, that the makers of the Constitution in creating a Supreme Court intended placing it in an atmosphere beyond the reach of the waves of public sentiment, or public opinion, if you please.

If not, why were its judges to be appointed by the President and fortified by the advice and consent of the Senate? Why was the tenure of office to continue during the life of the incumbent? All of these things point to a court of law, divorced wholly and entirely from the ever changing currents of public opinion. Our Supreme Court, like Caesar's wife, must forever be beyond suspicion.

H. L. TRISLER.

Oklahoma City, Oklahoma.

[We might take issue with our correspondent as to the law-making powers of the people of the United States. The Constitution was certainly "ordained and established" by them. Its very first Article and first Section, as quoted by our correspondent, is a grant of legislative powers by and from the people to the Congress. But it is not an omnibus grant of all conceivable or of all existing legislative powers, but only of certain specified powers. Obviously, all other legislative powers must have been retained by and must still be retained by the people.

The point of our paragraph was, however, that Chief Justice Taft was likely to be influenced in the making of interpretation not entirely by the apparent prescriptions of statute law but largely by broad and fundamental principles of equity—to regard the spirit as well as the letter of the law.—EDITOR.]